Trespass/Nuisance: Family Trust Files Benton County, Arkansas Circuit Court Action Lowell Facility Alleging Illegal Mining/Dumping



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Trustees of the McJunkins Family Trust U/A ("Trust") filed a November 11th pleading in the Circuit Court of Benton County, Arkansas styled:

Complaint at Law and Request for Injunctive Relief with Request for Emergency Hearing for Issuance of Temporary Restraining Order ("Complaint").

The Complaint was filed against W C & Associates ("WC") and Walter Martinez ("Walter").

The Complaint filed by the Trust seeks injunctive relief against WC and Walter with regard to lands adjacent to the Trust in Lowell, Arkansas. The pleading also requests that the Court set the matter for an emergency hearing on whether or not to enter:

… a temporary restraining order pendente lite due to Defendants operating an office, shop, dump truck service building, and an illegal mining and dumping operation.

The Trust seeks alleged restoration damages with alternative claims for damages involving its real property in Lowell, Arkansas. They alleging the following causes of action are pleaded:

- Private nuisance
- Trespass
- Negligence

The Complaint further alleges that Walter is the Chief Officer of WC and began illegally stripping topsoil and other material from its property subsequent to its acquisition of the property in 2022. It is further alleged that Walter and WC have:

… continuously operated at unusual hours operating heavy equipment, hauling dirt out of Defendant's parcel, dumping all manner of items, including barrels with petroleum and other toxic products and burying same, causing excessive noise and dust at all hours of the day and night, and have maintained said conduct for such a period of time and frequency as to constitute a nuisance.

Further, it is alleged that:

- Dumping of waste products without proper containment threatens the health and welfare of the Trust and other adjacent landowners.

- W C and Walter have been sued by the Benton County Planning Board and Benton County for maintaining a nuisance.
- Excessive noise, stir up dust, and dump and bury all manner of items against Trust's peace and dignity continues.

A copy of the Complaint can be downloaded here.